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Committee on the Exercise of the Inalienable Rights of the Palestinian People

Summary record of the 270th meeting
Held at Headquarters, New York, on Wednesday, 26 March 2003, at 10.30 a.m.

Chairman: Mr. Fall ..... (Senegal)

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The meeting was called to order at 10.50 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Developments in the Middle East peace process and the situation in the Occupied Palestinian Territory, including Jerusalem

2. **The Chairman** informed the Committee that he had sent a letter to the Secretary-General dated 20 February 2003 (A/ES-10/218-S/2003/202) to express concern at the Israeli military authorities' plan to seize land in Bethlehem and expel Palestinians from the town, and to point out that the Committee was alarmed by the Israeli Government's moves to implement the "seam line area plan", a unilateral separation plan challenging the Green Line.

3. **Mr. Al-Kidwa** (Observer for Palestine) said that he wished first to describe the internal Palestinian situation. Most of the institutions of the Palestinian Authority had been destroyed by the vicious and bloody military campaign waged by Israel since September 2000. That had combined with often unjustified external pressure to disrupt the political process in the Middle East. Nevertheless, the Central Council of the Palestine Liberation Organization, at its meeting of 8 March 2003, had taken the important step of accepting President Arafat's proposal to ask the Palestinian Legislative Council to alter the Palestinian Authority Basic Law and create the post of Prime Minister. Mahmoud Abbas, also known as Abu Mazen, had been appointed to the post. He would have full authority to perform his functions under the presidential system, and had been given three weeks in which to present a Government to the Palestinian Legislative Council for a vote of confidence.

4. It was hoped that Israel, the occupying Power, and the international community would support the new Palestinian Government to change the situation in the region, but the Palestinians were not optimistic that such support would be given. The obstacle to a peaceful settlement of the conflict was not the internal situation of the Palestinians but the entrenched Israeli position of refusing to establish the political conditions needed for such a settlement. The Israeli Government had not made a tactical change, but had returned to the position of the past, that of Yitzhak Shamir and others: it was seeking to establish a "greater Israel", to expand the country's borders and to effectively prevent the establishment of any meaningful, sovereign Palestinian State in the territory occupied since 1967. Unless the international community took a firmer stand against the Israeli position, it would remain unchanged.

5. Secondly, he wished to talk about the road map for peace in the Middle East, prepared by the Quartet, consisting of the European Union, the Russian Federation, the United States of America and the United Nations. Although the Palestinian side had reservations regarding the road map, it was prepared to accept and implement it. The same could not be said of Israel, which had called for substantial changes to the document. He had heard recently that Mr. Mofaz, the Minister of Defence and former Chief of Staff, regarded by Palestinians as a war criminal, was drafting an alternative plan.

6. Publication of the road map was still being delayed by Israel, which had said originally that publication could happen after its general elections, then after the new Israeli Government had been installed, then after the war in Iraq, then after the Palestinian Government had assumed office. President Bush had expressed his personal commitment to the road map and to its immediate publication once the new Palestinian Government was in office, but that commitment had been accompanied by worrisome additions which might open the door to unlimited changes to the document, making it useless in practice.

7. The Palestinian side saw little cause for optimism, but was waiting patiently for practical steps to be taken to translate the road map into action. Its basic position had not changed: there could be no solid foundation for the Middle East peace process without the necessary legal authority, which could come only from the United Nations Security Council. The appropriate Security Council resolution, and the adoption of the road map, were still awaited. Such action would move the process to a new stage for both Palestinians and Israelis.

8. His third point related to the monthly briefing which Mr. Roed-Larsen, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, had given to the Security Council on 19 March 2003. The descriptions and data which he had provided had revealed a worrying situation on the ground. He had also set out a clear position on the road map, since the United Nations was

a member of the Quartet: it should be adopted immediately and without amendment.

9. While he commended both the Special Coordinator and the mission with which he had been entrusted, he took issue with some aspects of the briefing. Firstly, it had used terminology which was not consistent with United Nations policy, substituting "West Bank and Gaza Strip" for the accepted "occupied Palestinian territories, including East Jerusalem". Secondly, it had failed to provide a legal and political context for the situation, which was one of foreign occupation. Thirdly, it had made no clear reference to the fourth Geneva Convention and the obligations of occupying Powers. Those misgivings would be brought to the attention of the Secretary-General and the Special Coordinator.

10. His fourth point related to Palestinian concerns that the war with Iraq was going ahead without Security Council authorization and that it would result in suffering for the Iraqi people and possible ramifications for the people of Palestine. Even if the Israeli Government did not use the war as an excuse to step up attacks, there might be attempts to change the situation on the ground in terms of settlements or to harness the political results of the war in its aftermath.

11. The situation on the ground was far from calm. The previous day, five Palestinians (including two children) had been killed in Bethlehem. Three of those killed had been the victims of an assassination attempt. Entry to the city had been practically blocked by the Israeli separation wall that had already been used to appropriate Palestinian land. The wall was a constant source of conflict, and confiscation of land and assassinations continued as Ariel Sharon attempted to secure occupation of up to one third of the land on the West Bank.

12. His last point related to the Thirteenth Conference of Heads of State or Government of the Non-Aligned Movement that had taken place in Kuala Lumpur, Malaysia, in February 2003. He expressed his appreciation for the statement on Palestine that cited settler colonialism as the main obstacle to the realization of the national rights of the Palestinian people and the achievement of a peaceful solution. The statement called for the reversal of such colonialism and the application of legal remedies without impunity to war crimes committed in the Occupied Palestinian Territory. The Conference had discussed the revitalization of the NAM Committee on Palestine, which could usefully complement its United Nations counterpart. The statement on Palestine also stressed the need for Israeli representation in the work of the General Assembly and international conferences in order to comply with international law.

13. Such texts required specific action by States at individual, regional and international levels, including specific measures to apply the fourth Geneva Convention. The results of that summit were a rich basis for ongoing work towards resolving the situation on the ground and towards a reconsideration of certain policies in the interests of finding a peaceful solution to the conflict.

14. **Mr. Zackheos** (Cyprus) said that, given the dire economic situation of Palestine, his country was increasing its annual contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) by 80 per cent. In response to the emergency appeal, its contribution for the current year would increase by 300 per cent. He hoped that Palestinian rights would be realized on a practical level through the establishment of a State.

15. **Mr. Percaya** (Indonesia) proposed sending a delegation to assist Mr. Arafat in Ramallah, thereby demonstrating the Committee's support for the Palestinian people and its inalienable rights.

16. **Mr. Al-Kidwa** (Observer for Palestine) welcomed the proposal of the Malaysian representative and agreed that a show of solidarity was appropriate, despite the fact that the occupying Power might attempt to obstruct such a move.

17. **Mr. Abbas** (Observer for the League of Arab States) said that the war in Iraq should not divert attention from the Palestinian cause. The Committee should intensify efforts to avoid the situation in Palestine being sidelined.

United Nations International Meeting in Support of Middle East Peace, 13-14 May, and Public Forum in Support of Middle East Peace, 15 May 2003, Kyiv

18. **The Chairman** thanked the Ukrainian authorities for their offer to host the events and introduced Working Paper No. 1 relating thereto.

19. *The Committee took note of Working Paper No. 1.*

20. **Mr. Kulyk** (Ukraine) said he was confident that the meetings would contribute to international efforts to promote lasting justice and peace in the region.

Report by the Chairman on his attendance at the Thirteenth Conference of Heads of State or Government of the Non-Aligned Movement, Kuala Lumpur, 20-25 February 2003

21. **The Chairman** reported that the Conference of the Non-Aligned Movement (NAM) had decided to admit Timor-Leste and Saint Vincent and the Grenadines as new members, and had decided to hold its next Conference in Cuba. The documents adopted included a declaration on continuing the revitalization of the Non-Aligned Movement, a statement on Iraq, a statement on Palestine, the report of the Rapporteur-General and the final document.

22. In the statement on Palestine and the relevant section of the final document, the Non-Aligned Movement had condemned the continued destruction of Palestinian society and the Palestinian Authority by the Israeli occupying forces and called for their immediate withdrawal to positions held prior to September 2000 and the implementation of the relevant Security Council resolutions. The Conference had urged Israel to apply the fourth Geneva Convention and its Additional Protocol without prejudice to the fight against war crimes and the role of the International Criminal Court. The Conference had reiterated that Israeli representation in the work of the General Assembly and international conferences should comply with international law and that Israeli credentials should not cover the territories occupied by Israel since 1967. The Movement had welcomed the Arab Peace Initiative adopted by the Summit of the League of Arab States in Beirut on 28 March 2002, expressed its support for the "road map" drawn up by the Quartet and regretted the absence of President Yasser Arafat. It had also encouraged the necessary international presence and initiatives such as the NAM visit to Palestine in 2002.

23. In its final document, the Conference had reaffirmed the illegality of all Israeli measures in the Syrian Golan and called for the restoration of Syrian sovereignty. The Heads of State or Government had also reaffirmed Lebanon's right to defend its territories and their support for the United Nations Interim Force in Lebanon (UNIFIL).

24. Following the Thirteenth NAM Summit, the Organization of the Islamic Conference (OIC) had held an informal summit on Iraq and the Middle East on 26 February 2003. At the summit, delegations had expressed their concerns over a war with Iraq without Security Council approval and the damaging consequences for the situation in the Middle East and in Palestine in particular.

25. **Mr. Mohd Isa** (Malaysia) said that, as Chair of NAM, his country remained committed to the Palestinian cause. The situation in the occupied territories had been illustrated by the fact that President Arafat had been obliged to address the summit on video rather than in person.

Other matters

26. **The Chairman** said that on 18 March 2003 he had received from the Permanent Observer for the African Union to the United Nations a note verbale communicating the wish of the Commission of the African Union to participate as an observer in the work of the Committee. The admission of the African Union as an observer would fill a long-standing gap. The African Union, and its predecessor the Organization of African Unity, had consistently supported the Committee's mandate, objectives and activities.

27. He took it that the Committee wished to grant the request of the Commission of the African Union to participate in the work of the Committee as an observer.

28. *It was so decided.*

29. **Mr. Kébé** (Observer for the African Union) said that it was appropriate for the African Union to play an observer role on the Committee. Its summits regularly discussed the Palestinian issue, and the organization had adopted the unwavering stance that President Yasser Arafat was the only legitimate representative of the Palestinian people. President Arafat had taken part in Organization of African Unity and African Union summits since 1971, except for the 2002 summit in Durban, which he had been unable to attend for well-known reasons.

The meeting rose at 12.05 p.m.